

SIKKIM



GOVERNMENT

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Gangtok

Monday 11th July, 2022

No. 277

**GOVERNMENT OF SIKKIM
MOTOR VEHICLES DIVISION, TRANSPORT DEPARTMENT
YATAYAT BHAWAN, GANGTOK: 737101
Ph no.03592-202483, Email id: secy-transport-skm@sikkim.gov.in**

No. GOS/MVD/T/108

Dated: 5/07/2022

NOTIFICATION

RECIPROCAL TRANSPORT AGREEMENT, 2022 Between the States of Sikkim and West Bengal

Whereas, the Reciprocal Transport Agreements were executed between the States of West Bengal and Sikkim in 1996 and 2007 with Supplementary Reciprocal Transport Agreement 2018 in accordance with sub-sections (5) and (6) of Section 88 of the Motor Vehicles Act, 1988 and the same were published vide Notification Nos.18/96-97/MV dated 28.08.1996, No. 67/MV/T dated 09.04.2007 and No. GOS/MVD/T/2009-10/Adm./86/01 dated 06.04.2018 respectively, the said Notifications having been published in the Government of Sikkim Gazette Extraordinary vide No. 132 dated: 26.09.1996, No. 172 dated: 04.05.2007 & No. 174 dated: 17.04.2018 respectively; and

Whereas, both the States have felt and expressed necessity to review the same for better regulation, control and co-ordination of movement of transport vehicles in inter-state routes; and

Whereas, a number of discussions have been held between the officials of Transport Departments of both the States and both the State Governments have agreed to enter into a fresh Reciprocal Transport Agreement by modifying and/or supplementing some of the terms and conditions of the earlier Reciprocal Transport Agreements signed between the two States in a symmetric re-arrangement of mutual interests of transporters of both sides.

And, Whereas, no objection or suggestion have been received;

Now, therefore, the Governor is pleased hereby to finally publish the Reciprocal Transport Agreement, 2022, between the States of West Bengal and Sikkim, in accordance with sub-sections (5) and (6) of Section 88 of the Motor Vehicles Act, 1988 in supersession of all previous such agreements.

This Reciprocal Transport Agreement, 2022 shall come into force with effect from the date on which the same is published in the Official Gazette. This Agreement shall be reviewed after

one year by both the States together and may continue thereafter with or without modification subject to agreement by both States on assessment of satisfactory implementation of mutually agreed terms and conditions and further feedback, if any.

The Terms and Conditions of the Reciprocal Transport Agreement, 2022

(A) STAGE CARRIAGE PERMITS:-

- (i) The list of routes with numbers of quotas of the routes (including all the previous Reciprocal Transport Agreements and present Reciprocal Transport Agreement) as agreed upon in the draft Reciprocal Transport Agreement between the States of West Bengal and Sikkim for providing Stage Carriage services is appended at Annexure-A and list of newly introduced routes with the quota of both the States as agreed upon in the draft Reciprocal Transport Agreement between the States of West Bengal and Sikkim is appended in Annexure-B.

The Permanent Stage Carriage Permit that has already been issued in terms of previous Transport Agreements will be operative and will be carried forward and will be subsumed into the proposed quotas.

- (ii) The routes mentioned in the Annexures indicate the route alignment, total number of permits allotted to each State, as agreed upon under this Agreement.
- (iii) The fares and freight chargeable by the operator in the reciprocating State shall be as approved by the countersigning authority of that State. The tickets issued in one State shall be valid in the reciprocating State.
- (iv) For the safety and convenience of passengers, a Stage Carriage shall be allowed to ply on the Inter-State routes against the vehicles only complying with the emission norms as notified by the Government of India and as per the provisions of the Motor Vehicles Act, 1988 and Central Motor Vehicles Rules, 1989 and local norms / guidelines, if any.
- (v) The time table of every service shall be fixed by the permit issuing State, avoiding clash of timings of other operators on the same route or the routes having maximum alignment overlapped with the said route.

The initial time table shall be fixed by the permit issuing State on a purely provisional basis for three months which is to be countersigned by the reciprocating State. This provisional time table will be final after the expiry of the provisional period on meeting of any objection, if received.

- (vi) If necessity arises, temporary permits shall be issued under Section 88 (7) of the Motor Vehicles Act, 1988 on mutual concurrence of both the reciprocating States on agreed routes with an equitable number of permits on both sides.
- (vii) Countersignature will be granted by the State Transport Authority of the reciprocating state in case of Permanent/Temporary stage carriage permits for one year at a time subject to payment of requisite fees fixed by the reciprocating State for the grant of such countersignature.

- (viii) Unless a temporary / permanent permit granted by the permit issuing State is countersigned by the reciprocating State, no further permit / renewal of permit on the same route shall be granted to the permit holder except in circumstances beyond the control of the issuing authority. The permit holder while making application for subsequent grant / renewal of permit shall submit copy of previous countersignature duly authenticated.
- (ix) Both the States shall agree to allow corridor facilities to the vehicles covered under Stage Carriage permit where originating and terminating points fall in the same State by using a part of the route of the reciprocating State within 16 (sixteen) kms without countersignature.
- (x) Stage Carriage permits shall be allowed by both the States in respect of the vehicles having seating capacities between 27 and 36 including driver and the vehicle shall have 4 wheels in the rear portion.
- (xi) Existing holder of valid Permanent / Temporary Stage Carriage permit (s), whenever wants to discontinue the service, shall surrender the permit before the primary permit issuing authority and intimate the fact to the countersigning authority. The primary permit issuing authority shall also intimate the fact of surrender of permit to the Reciprocating Authority / State for records.
- (xii) Both the reciprocating States shall allow the Stage Carriages of the other State to pick up and drop the passengers from their respective notified / designated bus terminals.
- (xiii) Any extension / curtailment / variation of route shall be accorded by the permit issuing State in accordance with the relevant provisions of the Motor Vehicles Act, 1988 subject to the concurrence of the Reciprocating State.
- (xiv) The terminating point of the buses shall be the point as prescribed by the State Transport Authority of the Reciprocating State in consultation with the Regional Transport Authority within whose jurisdiction the point falls.
- (xv) Wherever the terminating / originating point in West Bengal of any route incorporated in this Agreement has been shown as Kolkata and / or Howrah, it would be at a terminus as shall be decided and recorded in the respective permit by the permit issuing / countersigning authority of the State (i.e. West Bengal).

(B) CONTRACT CARRIAGE PERMITS:-

Both the States shall issue permanent Contract Carriage permits in respect of maxi cabs and Motor cabs (4-wheeler) to ply between the States of West Bengal and Sikkim (excluding restricted / protected zones / areas), subject to the following terms and conditions:-

- a) Each of the States will grant 3000 (Three Thousand) numbers of permanent contract carriage permits (for maxi cabs and motor cabs) to be issued by respective State Transport Authorities.
- b) The permit shall be issued and countersigned by the State Transport Authorities of the issuing / countersigning States instead of individual district RTOs.

- c) Permits are to be issued for 5 (five) years. However, reciprocating STA will grant countersignature annually on production of valid permit, certificate of fitness, insurance, PUC certificate etc, and payment of requisite fees by the permit holder as well as subject to annual systemic review.
- d) Vehicles of West Bengal shall be permitted to ply throughout the entire territory of State of Sikkim (except restricted and protected areas) and similarly vehicles of Sikkim shall be permitted to ply throughout the State of West Bengal (except restricted Zone / Areas and Notified areas).

(C) SPECIAL PERMITS:-

- (a) No Special Permits shall be issued for regular use either by the State Transport Authorities, West Bengal (or Siliguri sub-office of STA, West Bengal) or by the Regional Transport Officer of Sikkim except in circumstances of sudden and urgent necessities; such as marriage, medical treatment for sick person, pilgrimage, funerals, seasonal businesses etc. under section 88 (8) of the Motor Vehicles Act, 1988 for a period not exceeding 2 (two) weeks at a stretch to ply between the entire State of Sikkim and West Bengal except the restricted and protected areas for a single up and single down journey only, subject to the payment of requisite fees as fixed by the Government of Reciprocating State, adhering strictly to the conditions as imposed under section 88 (8) of the Motor Vehicles Act, 1988.
- (b) Such permits shall be issued in respect of motor cabs, maxi cabs and omnibuses with seating capacity between 27 (Twenty seven) and 36 (Thirty six) having four wheels in the rear portion.

(D) GOODS CARRIAGE (Temporary Permit):-

Temporary permits may be issued for a maximum period of 4 (four) weeks for a single journey by the State Transport Authority / Regional Transport Authority / Regional Transport Officer of either State under Section 87 (1) (b) and (c) of the Motor Vehicles Act, 1988 for plying on the interstate routes between the two States without prior concurrence or countersignature of the reciprocating State to perform one up and one down trip service, subject to the conditions that such Temporary Permits shall be issued only for carrying goods for bonafide domestic purpose and not for commercial purpose. Such temporary goods carriage permits shall not carry dangerous / restricted / hazardous goods and shall ply between the States of Sikkim (except restricted and protected areas for which special permission has to be obtained) and West Bengal (except restricted Zones/ Areas and Notified areas).

- (i) No goods shall be picked up or unloaded in between any two points lying wholly within the areas of the reciprocating State, i.e. such vehicles shall not be used as Intra-State transport within the jurisdiction of the Reciprocating State.
- (ii) Such temporary permit shall be used for direct and shortest route connecting the two termini and shall be subject to such other conditions as may be imposed by the Transport Authority of the Reciprocating State.

(E) GOODS CARRIAGE (Permanent Permit):-

- a) The State of West Bengal will grant 700 numbers of Permanent Goods Carriage Permits with authorization to ply throughout the territory of the State of Sikkim (except restricted and protected areas for which special permission must be obtained).
- b) The State of Sikkim will grant 1100 numbers of Permanent Goods Carriage Permits with authorization to ply throughout territory of West Bengal (except restricted Zones /Areas and Notified Areas).
- c) The State of Sikkim will issue 225 numbers of Permits for Oil Tankers with authorization to ply throughout territory of West Bengal (except restricted Zones / Areas and Notified areas). Similarly, the State of West Bengal will issue 150 numbers of permits for Oil Tankers with authorization to ply throughout the territory of State of Sikkim (except restricted and protected areas for which special permission must be obtained).
- d) The respective STAs of both the States will recommend for Counter Signature and both the States will grant Counter Signature Permit for 1 (one) year in respect of Goods Vehicles subject to payment of requisite fees as fixed by the Government of Reciprocating States.
- e) Permanent Goods Carriage permits shall be issued by both the States in respect of medium goods vehicles including oil tankers.
- f) The permissible Gross Vehicle Weight (GVW) will be restricted to 18.5 Metric Tons only.

(F) TAXATION:-

- (i) Motor Vehicles Tax, Additional Tax and other taxes in respect of both the Reciprocating States shall be exempted.
- (ii) The vehicles of one Reciprocating State plying in the other Reciprocating State shall abide by the Motor Vehicles Act, 1988 and Motor Vehicles Rules of the other reciprocating State.

(G) GENERAL:-

- (i) Any restriction imposed by the signatory state in its territory under provisions of the Motor Vehicles Act, 1988 shall equally be applicable to the vehicles of both the States.
- (ii) The permit granting State will grant fresh permit or renew permit on verification of countersignature of the previous permit by the Reciprocating State.
- (iii) It is agreed by both the Reciprocating States for unrestricted movement of Goods Carriages covered with National Permit and Passenger Vehicle covered with All India Tourist Permit except the restricted and protected areas of both the States.
- (iv) Both the States agreed upon corridor facilities to vehicles originating from each State and destined for a third State or Country like Nepal, Bhutan, Assam etc. under valid permit and countersignature.

State of West Bengal has agreed to grant the corridor facility to all kinds of Transport vehicles between Rangpo and Melli. Hence, no countersignature permit is required for Sikkim based Transport vehicles between Rangpo and Melli.

- (v) If in the public interest it is necessary to open any new Inter-State route beyond the quota fixed in the Reciprocal Agreement, the procedure of prior concurrence, as envisaged under Section 88 (7) of the Motor Vehicles Act, 1988 shall be followed by both the States.
- (vi) Any change or correction in any clause of this Agreement or any addition or deletion of route (s) or any correction / change in the alignment of route (s) shown in this Agreement may be done by mutual consent after discussion and that change or correction is to be reflected in the Supplementary Reciprocal Transport Agreement between the State of West Bengal and Sikkim.

By order of the Governor

Raj Yadav, (IAS)
Secretary
Transport Department
Government of Sikkim

By order of the Governor

Rajesh Kumar Sinha, (IAS)
Principal Secretary
Transport Department
Government of West Bengal

Annexure-A

List of Existing Routes:

Sl. No.	Name of Routes	No. of Quota as per Reciprocal Transport Agreement, 1996		No. of Quota as per Reciprocal Transport Agreement, 2007 including Supplementary Reciprocal Transport Agreement, 2018		Additional No. of Quota increased in the present Reciprocal Transport Agreement		Total Fleet Strength	
		For W.B.	For Sikkim	For W.B.	For Sikkim	For W.B.	For Sikkim	For W.B.	For Sikkim
1.	Darjeeling to Gangtok	6	6	8	8	0	0	14	14
2.	Kalimpong to Gangtok	4	4	4	6	0	0	8	10
3.	Siliguri to Jorethang	5	8	5	8	0	0	10	16
4.	Siliguri to Gangtok	7	14	18	31	5	5	30	50
5.	Siliguri to Rongli	3	3	3	3	0	0	6	6
6.	Rongli to Jorethang via Pedong, Lava, Kalimpong	1	2	0	0	0	0	1	2
7.	Panitanki to Gangtok	0	0	3	6	0	0	3	6
8.	Jaigaon to Gangtok	0	0	4	8	0	0	4	8
9.	Jalpaiguri to Gangtok	0	0	3	6	0	0	3	6
10.	Gangtok to Kolkatta	0	0	5	5	0	0	5	5
11.	Alipurduar to Gangtok	0	0	2	2	0	0	2	2
12.	Siliguri to Namchi	0	0	3	3	1	2	4	5
13.	Siliguri to Gyalshing	0	0	3	3	0	0	3	3
14.	Siliguri to Mangan	0	0	3	3	0	0	3	3
15.	Coochbehar to Gangtok	0	0	2	2	0	0	2	2

List of Newly Introduced Routes:

Annexure-B

Sl. No	Name of New Routes	No. of Quota for West Bengal	No. of Quota for Sikkim
1	Siliguri to Pelling	2	3
2	Sitai to Gangtok via Siliguri	2	1

